

DEC 19 1978

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File *Records*

Executive Registry
78-7398

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78-4299/5

Honorable Stansfield Turner
Director
Central Intelligence Agency
Washington, DC 20505

Dear Admiral Turner:

As you know, Executive Order 12065, National Security Information, became effective on December 1, 1978. Section 3-402 of the Order requires the heads of certain agencies to issue guidelines within 180 days for the systematic review of 20-year-old classified information under their jurisdiction. That section also provides that the guidelines will be issued after consultation with the Archivist of the United States.

In order for the National Archives to effectively carry out its responsibilities under the Executive Order, it is essential that agencies issue their guidelines by the May 31 deadline. Accordingly, I am writing to you and to the heads of other affected agencies to urge that you give this matter your immediate attention.

For your information, I am enclosing reproductions of any guidelines issued by your agency under Executive Order 11652 and an outline of the major topics which I feel must be covered in your systematic review guidelines.

I have designated Mr. Edwin A. Thompson, Director of our Records Declassification Division, as the person responsible for consulting with all agencies preparing systematic review guidelines under Executive Order 12065. Mr. Thompson's telephone number is 523-3165. The person or group in your agency responsible for development of the systematic review guidelines should contact Mr. Thompson in the next few weeks to schedule an initial meeting.

Sincerely,

James B. Rhoads

JAMES B. RHOADS
Archivist of the United States

Enclosures

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DD/A Registry

78-4299

14 NOV 1978

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File Records

MEMORANDUM FOR: Acting Deputy Director for Administration

FROM :

[redacted]
Chief, Information Systems Analysis Staff

SUBJECT :

Implementation of E.O. 12065 (U)

(U) Attached under the following tabs are the proposed basic documents developed by the Classification/Declassification, Markings and Training Task Forces for implementing E.O. 12065:

- Tab A - Regulation
- Tab B - Implementation Handbook
- Tab C - Issues Paper
- Tab D - Waivers Paper

(U) All of the information submitted has been reviewed by a committee consisting of the Chairmen of the above cited Task Forces, an OGC representative and the Chief, Information Systems Analysis Staff. In addition, a representative from the Office of Security participated in the initial review of the handbook but was not available for the final review of this item.

(U) The above material is now ready for review by your committee and individual packages are included for distribution to each member under a memorandum for your signature.

/s/

[redacted]

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/s/

/s/

Classification/Declassification
Task Force

Training Task Force

/s/

/s/

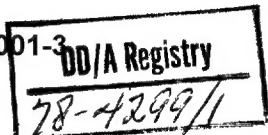
Markings Task Force

Office of General Counsel
Representative

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14 NOV 1978

MEMORANDUM FOR: Deputy Director for Operations
(Attention: Eloise Page)

Deputy Director for Science and Technology
(Attention: Ernest J. Zellmer)

Director, National Foreign Assessment Center
(Attention: Sayre Stevens)

General Counsel
(Attention:)

FROM: Michael J. Malanick
Acting Deputy Director for Administration

SUBJECT: Implementation of E.O. 12065

Attached for your review are the following documents developed by the Classification/Declassification, Markings and Training Task Forces for the proposed implementation of E.O. 12065:

Tab A - Regulation - Responding to the new requirements contained in E.O. 12065 will require that changes be made in a number of existing Agency regulations. Because of the time frame involved, only those items considered to be of prime importance have been addressed and are ready for approval at this time.

Tab B - Implementation Handbook - Except for two noted exceptions, the handbook that has been developed should contain all the information Agency employees need to understand and implement the requirements established by E.O. 12065.

The two exceptions cited above are mandatory review, which is covered briefly in paragraph 16



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SUBJECT: Implementation of E.O. 12065
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Tab C - Issues Paper - In developing various portions of the implementation Plan, a number of issues arose on which the task forces -

- a. did not feel qualified to make recommendations
- b. made recommendations which they felt deserved special attention, and
- c. were unable to reach total agreement.

Tab D - Waivers Paper - The Markings Task Force considered ten requests from the Directorates for waivers from the mandatory portion marking requirements of E.O. 12065 and the ISOO directive. The task force recommended that one of the waiver requests be forwarded to ISOO for approval, and that eight of the requests not be forwarded. The task force could not reach a decision on one of the requests.

In addition to the above, the following two major items are in the final stages of completion but have not been included in this review package:

Classification Guides -

have been prepared for each Directorate and are now in process of being approved by the respective Directorate heads.

Training Film -

is in the final stages of preparation and scheduled showings throughout the Agency are to start on 20 November 1978.

Given the tight time schedule on which we are operating, it is requested that you review the attached material and provide me by COB 21 November 1978, your written comments on major problems you have in approving the procedures proposed for implementing the new order. It is planned that the Task Forces would immediately commence working on resolving the problems identified so that we can hold our final review and approval meeting at 1400 on 27 November 1978 in 7D-32.

/s/ Michael J. Malanick
Michael J. Malanick

Attachments:
As stated

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SUBJECT: Implementation of E.O. 12065

Distribution:

One - Each Addressee

1 - DDA Subject

1 - DDA Chrono

1 - AI/DDA

1 - C/ISAS

1 - RAB Subject

1 - RAB Chrono

DDA/ISAS/[]ad (14 November 1978)

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Next 28 Page(s) In Document Exempt

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ISSUES PAPER

A. Centralization of Authority

One of the aims in the drafting of [] was to STATINTL
centralize to the optimum, responsibility for implementing and directing
the program required by the new Executive Order. As a result, the
following officials have been identified as having responsibility for:

Deputy Director for Administration

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[] - Conducting an active Oversight Program to ensure
effective implementation of E.O. 12065.

STATINTL

[] - Chairing an Agency committee with authority to act
on all suggestions and complaints with respect to the Agency's
administration of the Information Security Program.

Assistant for Information to the Deputy Director for Administration

STATINTL

[] - Maintaining liaison with the Information Security
Oversight Office.

Agency Security Classification Officer/ISAS/DDA

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[] Paragraph 8.b - Serving as the focal point for all
Agency component requests for Top Secret, Secret, Confidential
and Derivative classification authority, including the preparation
of consolidated submissions for DCI approval of those requests for
Top Secret authority considered to be adequately justified.

Paragraphs 12B, footnotes 1 and 3; 12B1, footnotes 1 and 3;
12B2, footnote 1; and 12G1 - Approving any alternative methods
of marking.

Although some questions were raised on the proposed role of the Agency Security Classification Officer, it was considered that centralized control is required in both of the above areas to ensure that uniform practices are followed and to enable the Agency to meet the accountability requirements of E.O. 12065.

B. Markings - Paragraph 12b(1)(2) and g(2)

1. Markings Required on Face of Paper Copies

Paragraph 12b(1) deals with markings that "shall be shown on the face of all paper copies of originally classified documents at the time of origin". This requirement caused particular problems for NFAC and DDS&T who for aesthetic reasons print all markings (except level of classification on the inside front cover. We have allowed for this to continue; however, it is in conflict with the Order.

2. Unique Identifiers

The classification markings proposed for original or derivatively classified documents may, because of their uniqueness, tend to identify any document so marked as being of CIA origin. The only apparent solution for this problem would have been for the Intelligence Community, or the Government as a whole, to have agreed upon the use of standard classification markings. This situation was not considered to be any more serious than the similar situation under E.O. 11652 when the Agency used the unique abbreviation "E 2 IMPDET" when State Department, for example, used "XGDS2".

C. Forms - Paragraph 12G4

Specifies that existing stocks of pre-marked forms may be used until depleted or until 1 December 1979, whichever is sooner. E.O. 12065 does not allow for such actions; but to revise, print and issue the approximate one thousand pre-marked forms currently in use was, in addition to the costs involved, considered to be an administrative impossibility.

D. Category g Items - Paragraph 9g

Classification requirements category (g) - "other categories of information which are related to national security and which require protection against unauthorized disclosure...".

Several Directorates submitted items to be classified under the above cited "catch all" category provided for in E.O. 12065. The drafters of felt strongly that except for personal jeopardy, all other items submitted could and should be covered under one of the other a through f categories of the Order. Failure to do so, it was felt, would generally weaken the entire Classification Guide package and bring the Agency into direct conflict with ISOO over this issue. As a result, the decision was made to exclude the items in question from being placed under category g and raise this action as an issue requiring final resolution.

E. Handbook

There was not total agreement among the four task forces created to deal with E.O. 12065 as to whether procedures dealing with the implementation of the new order should be published as a separate handbook or be made a part of other Regulatory Issuances.

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Three task forces (Markings, Classification/Declassification/Mandatory Review, and Training) felt that the use of a single handbook which was entirely devoted to the implementation of the new order would provide the ultimate user with the most convenient and most readily useable source information on the entire subject.

The Safeguarding Task Force felt that a separate handbook was not the best approach and opted for publishing their procedures in other Regulatory Issuances.

The end result is that the proposed handbook deals in detail with all aspects of implementing the new order except for safeguarding. Safeguarding has been included as a separate chapter but will only refer to the appropriate Agency Regulations where specific information can be found.

F. In the following three instances, the proposed CIA implementing directives impose more restrictive operating procedures than those required by E.O. 12065.

1. Paragraph 12b(2) -

Requires that the identity of all employees exercising derivative classification authority be noted on each document they classify through use of an employee number or other approved identifier. This requirement is considered necessary to ensure that individuals exercising derivative classification authority be held responsible for their actions.

2. Paragraph 11e -

It is proposed that when Classification Guides are approved and issued, original classifiers use their original classification authority only when applicable Classification Guides do not cover the information being classified.

3. Paragraph 11g -

Requires that the DDCI approve the application and use of the four Classification Guides as the Central Intelligence Agency Classification Guide, although the Executive Order allows for approval by any official with Top Secret classification authority.

Such approval by the DDCI is considered necessary to establish that the Agency has an official Classification Guide; that all parts of this Guide are as consistent as possible; and that all problems associated with the development and use of Classification Guides are resolved as quickly as possible.

G. Availability and Use of All Classification Guides throughout the entire Agency - Paragraph 11.i.

It is recognized that certain portions of the Classification Guides may be considered so sensitive by the originating component that their distribution to, or use by, other components of the Agency should be restricted. Therefore, it may become necessary to establish some type of mechanism to handle the needed exchange of Classification Guides throughout the Agency.

H. Which Employees Will be Authorized to Use Classification Guides - Paragraph 6.d.

Because the unrestricted use of Classification Guides by all Agency employees does not seem prudent, it is proposed that Directorates and Independent Offices will have to determine within their jurisdiction those individuals who have a legitimate need to exercise derivative classification authority. Furthermore until 1 April 1979 Paragraph 11d restricts the use of Classification Guides to only those individuals having original classification authority.

I. Where and when will responsibility be placed, within CIA and the Intelligence Community, for developing the special procedures for systematic review and declassification of classified information concerning the identities of clandestine human agents that the Director of Central Intelligence may establish?

J. When will SECOM provide the procedures required for SCI?

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WAIVERS PAPER

1. Executive Order 12065 requires that each classified document indicate which of its paragraphs or other portions, including subjects and titles, are classified and which are unclassified. The intent is to eliminate uncertainty as to which portions of a document contain information that must be protected, and to facilitate excerpting and declassification review. The symbol "(TS)" for Top Secret, "(S)" for Secret, "(C)" for Confidential, or "(U)" for Unclassified is to be placed immediately following the portion of text to which it applies.

2. The ISOO implementing directive provides that if individual portion marking is impracticable the document must contain a description sufficient to identify the information that is classified and the level of its classification. This alternative method of portion marking can be accomplished by including a statement as the last paragraph of the document or as a footnote, e.g., "Paragraphs 1, 2, and 4 are Secret, all other portions Unclassified", or if the entire document is classified at the same level, "All portions of this document are (Classification)".

3. Waivers from these mandatory portion marking requirements may be granted only by the Director, ISOO. The attached ten requests for waivers were submitted by the directorates to the Markings Task Force, whose recommendations are set forth below. In summary, the task force recommends that one waiver request be forwarded to ISOO, and that eight waiver requests not be forwarded--five because they are not necessary, and three because they are not justifiable. The task force could not reach a decision on one waiver request.

a. DIRECTORATE OF ADMINISTRATION

ADP Data Bases and Computer Generated Reports

RECOMMENDATION: That this waiver request be forwarded to ISOO.

b. NATIONAL FOREIGN ASSESSMENT CENTER

(1) President's Daily Brief

RECOMMENDATION: The Markings Task Force could not reach a decision on this waiver request. It was recognized that the lack of portion marking in the PDB would cause fewer problems than with other reports, since the PDB receives very limited dissemination and is not used as the basis for classifying other documents. It was also recognized that portion marking the PDB would be difficult because of its tight production schedule; but some task force members believed that portion marking would be

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Unclassified When Detached
from Attachments

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practicable. Finally, it was recognized that portion-marking the PDB might cause some slight delay in getting the report to the President; but on the other hand, it was the President who signed Executive Order 12065, and exempting the PDB could easily be construed as the President exempting himself from his own rules.

(2) National Intelligence Estimates

(3) Certain Short Deadline Papers

RECOMMENDATION: That these waiver requests not be forwarded to ISOO. A waiver is not justifiable. The Markings Task Force believed that these documents should be portion marked.

c. DIRECTORATE OF SCIENCE AND TECHNOLOGY

(1) Special Compartmented Information

RECOMMENDATION: That this waiver request not be forwarded to ISOO. A waiver is not justifiable. The Executive Order makes no special provision regarding the portion marking of special access program information as to its classification level. Even if the separate parts or portions of SCI material are not subject to being treated outside the special access channel, they must be marked for use within such channel.

(2) Translations of Original-Language Classified Documents

RECOMMENDATION: That this waiver request not be forwarded to ISOO. A waiver is not necessary. A direct translation need only carry forward the protection provided for in the source document.

(3) Preprinted Forms

RECOMMENDATION: That this waiver request not be forwarded to ISOO. A waiver is not necessary. The Agency's record copy file for each form will indicate which items are the basis for its classification. Each form is itself the segregable portion of a larger data base.

(4) Serial Publications and Other Analytical Reports Based on Foreign Media

RECOMMENDATION: That this waiver request not be forwarded to ISOO. A waiver is not necessary. Portion marking of these documents can be accomplished by the alternative method of stating on them that "Each individual portion of this document is unclassified."

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d. DIRECTORATE OF OPERATIONS

- (1) Foreign Intelligence Information Reports
- (2) Internal Operational Correspondence

RECOMMENDATION: That these waiver requests not be forwarded to ISOO. A waiver is not necessary. Portion marking of these documents can be accomplished by the alternative method of stating on them that "all portions of this document are (classification level)", if this is indeed the case.

Attachments

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PROPOSAL FOR
WAIVER FROM PORTIONAL MARKING REQUIREMENT

1. An ADP data base will be classified as an entity using criteria in Section 1-3. All reports from a data base will carry the same classification and be marked in accordance with Section 1-501. Text files containing paragraphs that will be used in producing documents must be portionaly marked.

2. Computerized data bases contain data that range from unclassified through Top Secret. The resources required to portionaly mark each data item, keep such a data element current (the classification of the data changes with circumstance⁸⁵) and to automatically classify reports based on the classification of those data items is substantial. The cost of doing this is not in the public interest.

3. Often data bases include individual items that when processed or reported together have a higher degree of classification. The computer technology is not such that we can identify and program all such relationships so that computer-generated reports using such data can be properly classified. The same determination used in classifying a computer data base is used for classifying reports derived from that data base.

4. Computer reports are generally only disseminated internally to the Agency and they are used for administrative and research purposes.

5. Documents produced using data from a computer data base will be classified under the same criteria as the data base.

27 SEP 1978

MEMORANDUM FOR: Chief, Information Systems
Analysis Staff, DDA

FROM: Eloise R. Page
Acting Associate Deputy Director for Operations

SUBJECT: Implementation of Executive Order 12065
--- Classification Waiver Possibility

REFERENCE: ADDA Memorandum for the DDO,
Dated 19 September 1978, Same Subject

It is requested that a waiver from the requirement for portion classification marking be requested from the Director of the Information Security Oversight Office in accordance with paragraph 1-504 of Executive Order 12065 for the following classes of documents originated by the Directorate of Operations:

1. Foreign Intelligence Information Reports.

a. These reports provide original data collected in response to the expressed needs of the Intelligence Community. Each report carries an unclassified identification number. These reports are on a single subject and normally from a single clandestine foreign source or cooperating U. S. citizen. Exposure of the information itself or unprotected reference to the existence of the information in U. S. Government possession can jeopardize the source or his ability or willingness to continue to provide information. Because of the inseparability of the information from the sensitivity of its method of collection, these reports should be classified as whole documents.

b. Furthermore, because these reports provide original data used in the production of finished intelligence, they are subject to indexing, filing and incorporation in computerized

information handling systems in receiving offices and agencies. Compilations of such data can reveal much concerning the ability of the Directorate of Operations to collect and report foreign intelligence. For that reason, the entire report must be protected by a single classification to prevent the creation of unclassified indexes or files in receiving agencies.

c. Original dissemination of these reports is made selectively on a need-to-know basis. Individual reports may be limited to a very few individuals in Washington while others may be transmitted to Intelligence Community agencies in Washington and overseas to selected U. S. embassies and U. S. military commands.

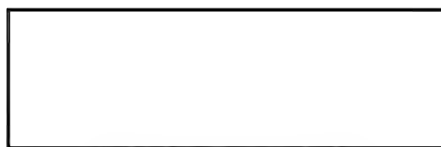
d. Because these reports contain information collected in response to the expressed needs of the Intelligence Community and because they may concern almost any country and almost any subject, they may form the basis for classification for many intelligence publications. It should be recognized, however, that intelligence publications most often draw on information from many agencies and as a consequence Directorate of Operations reports very frequently do not constitute the sole basis for their classification.

2. Directorate of Operations Internal Operational Correspondence.

a. This is correspondence between various elements of the Directorate in the U. S. and overseas concerning management, operations and administration of the Directorate. (By definition this kind of correspondence does not contain foreign intelligence which is disseminated to other agencies.) Each piece of correspondence carries an identification number. The whole of this correspondence concerns intelligence activities, sources or methods.

b. This correspondence, whether transmitted in hard copy or electrically, is disseminated only within CIA and is very largely confined to the Directorate of Operations.

c. This correspondence, by itself, does not form the basis for classification of other documents.



STATINTL

Eloise R. Page

4/79-78

SEP 1979

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MEMORANDUM FOR: Chief, Information Systems Analysis
Staff, DDA

FROM :
Associate Director-Management, NFAC

SUBJECT : Classification Waiver Request

REFERENCE : Memo from Associate Deputy Director
for Administration, dtd 19 Sept 78,
to Multiple Add'ees

NFAC requests a waiver from the portion classification requirement of E.O. 12065 for the following publications:

(1) The President's Daily Brief. This publication is read only by the President, the Secretary of State, the Secretary of Defense, and the President's Assistant for National Security. Many diverse sources are used to compose the contents, often under extreme deadline pressure late at night. The few recipients have no need to be informed of the separate classifications, if any, of the component parts. The classification of material in the PDB is not used as the basis for classifying other documents.

(2) National Intelligence Estimates. The nature of these documents, as much as the sources of the component parts, often determines the classification. NIEs represent the judgments of the DCI and the Intelligence Community, and have security significance as such. Portion classification could therefore be misleading: components would bear a classification either reflecting only the source material but not the significance of the conclusion drawn or, conversely, reflecting the

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SUBJECT: Classification Waiver Request

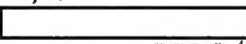
judgment but implying that the source material dictated the classification. The NIEs are disseminated to a restricted elite list of customers, depending on the subject and any special controls. Judgments and information in NIEs may form a basis for classifying other documents such as NSC studies.

(3) Certain short deadline papers.
On occasion, it is necessary for NFAC to prepare short analytical papers or biographic profiles for policymakers who set deadlines of only a few hours. Rechecking sources of individual elements to separately classify portions could imperil our meeting the requests on time. Such papers are targeted to a few designated consumers--sometimes only one--and would rarely be the basis for classification of other documents.



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Distribution:

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27 SEP 1978

DDS&T-4723-78

MEMORANDUM FOR: Chief, Information Systems Analysis
Staff, DDA

SUBJECT : Implementation of EO 12065 - Classification
Waiver Possibility

REFERENCE : A/DDA Memo 78-3659, Dated 19 September 1978

Attached is the DDS&T request for exemptions from
portion classification marking per Reference.



Executive Officer
Directorate of
Science and Technology

STATINTL

Attachment:
As stated

DDS&T Classification Waiver Request

The DDS&T requests the following be exempted from portion classification marking under Section 1-504 of EO 12065:

1. All classified information (so defined in EO 12065) to include documents, equipment, film, visual aids, tapes and other recordings, which is further protected by special access programs in accordance with EO 12065, Section 4-2.

The EO 12065, Section 4-2 recognizes a requirement for the establishment of "special access programs...for the protection of particularly sensitive classified information..." The order further states that the special access programs are permitted when "normal management and safeguarding procedures are not sufficient to limit need-to-know or access...and the special access controls balance the need to protect the information against the full spectrum of needs to use the information."

Explicit recognition by the Executive Order of categories of classified information which must be further restricted for access, distribution, and protection in special controlled channels clearly implies that because of the nature and sensitivity of such information its separate parts or portions are not subject to being treated outside of the special access channel.

As a result the usefulness of portion classification "in order to facilitate excerpting" (Section 1-504) does not apply to classified information protected in special access programs or channels.

2. All translations of original-language classified documents, except those where the original-language document uses portion classification. Translators have no knowledge on which to judge portion classification.

3. All pre-printed forms which provide for classification when filled in. Examples of such forms are travel requests, financial vouchers, and fitness reports.

Pre-printed forms are used to expedite actions and provide for efficient and economical operations in the conduct of business. Pre-printed forms normally replace explanatory memorandums, often of a repetitive nature. To classify each line or block in a form is unnecessarily burdensome, may require a complete redesign of a large number of forms at a high cost and since forms are basically used for a single purpose do not lend themselves to excerpting for other uses.

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